

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

EQUITABLE PRODUCTION CO.,
a Pennsylvania corporation,

Plaintiff,

v.

CIVIL ACTION NO. 2:08-00076

ELK RUN COAL COMPANY, INC.,
a West Virginia corporation
d/b/a BLACK CASTLE MINING
COMPANY,

Defendant.

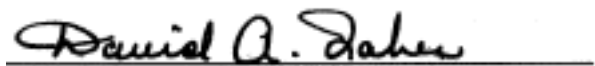
MEMORANDUM OPINION AND ORDER

Pending before the court is the motion to reconsider of defendant Elk Run Coal Company, Inc. (Doc. No. 59), in which defendant asks the court to reevaluate its December 17, 2008, Memorandum Opinion and Order in light of defendant's December 15, 2008, filing (Doc. No. 57). As was noted in its ruling of December 17, the court reviewed the responsive brief in question and found it to be without merit, irrespective of the brief's timeliness. (See Doc. No. 58 n.2.) Defendant's motion to reconsider is **DENIED**.

The Clerk is directed to send copies of this Memorandum Opinion and Order to counsel of record.

It is **SO ORDERED** this 31st day of December, 2008.

ENTER:


David A. Faber
United States District Judge